

Exhibit F

In the Matter of:

Turing Pharmaceuticals & Impax Laboratories

*September 26, 2019
Akeel Mithani*

Condensed Transcript with Word Index



For The Record, Inc.
(301) 870-8025 - www.ftrinc.net - (800) 921-5555

Turing Pharmaceuticals & Impax Laboratories

9/26/2019

1 FEDERAL TRADE COMMISSION
 2 TURING PHARMACEUTICALS,)
 3 a corporation,)
 4 and) Matter No.
 5 IMPAX LABORATORIES,) 161-0001
 6 a corporation.)
 7 -----)
 8
 9

10 Thursday, September 26, 2019
 11
 12 Room 7104
 13 Federal Trade Commission
 14 400 7th Street, S.W.
 15 Washington, D.C. 20024
 16

17 The above-entitled matter came on for
 18 investigational hearing, pursuant to notice, at
 19 9:00 a.m., for the testimony of:

20
 21 AKEEL MITHANI
 22
 23
 24
 25

1 APPEARANCES (continued):
 2 ALSO PRESENT: Jimmy Fang, Esq. - Deputy General
 3 Counsel Vyera
 4 Anusha Sunkara, FTC Law Clerk
 5 Arindam Ghosh, Ph.D. - FTC Economist
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 APPEARANCES:
 2 ON BEHALF OF THE FEDERAL TRADE COMMISSION:
 3 NEAL PERLMAN, ESQ.
 4 DANIEL BUTRYMOWICZ, ESQ.
 5 Federal Trade Commission
 6 600 Pennsylvania Avenue, Northwest
 7 Washington, D.C. 20580
 8 (202) 326-3692
 9 nperlm@ftc.gov
 10 ON BEHALF OF VYERA PHARMACEUTICALS
 11 AND THE WITNESS:
 12 MICHAEL WEINER, ESQ.
 13 SAMUEL W. STELK, ESQ.
 14 Dechert LLP
 15 1095 Avenue of the Americas
 16 New York, New York 10036-6797
 17 (212) 698-3608
 18 michael.weiner@dechert.com
 19
 20
 21
 22
 23
 24
 25

I N D E X			PAGE
	EXAMINATION		
1	Akeel Mithani		
2	By Mr. Perlman	7	
3	By Mr. Weiner.	231	
4			
5			
6			
7			
8			
9	EXHIBIT	DESCRIPTION	PAGE
10	GX1016	Board meeting minutes, Bates stamped . . .	58
11		FTC-Vyera00660112 to FTC-Vyera00660124	
12	GX3000	E-mail with attachments, Bates stamped . .	94
13		FTC-FERA-00001472 to FTC-FERA-00001490	
14	GX1110	E-mail with attachemnet, Bates stamped . .	114
15		FTC-Vyera00224587 to FTC-Vyera00224588	
16	GX1101	E-mail chain, Bates stamped	118
17		FTC-Vyera-117383 to FTC-Vyera-117387	
18	GX1109	E-mail chain, Bates stamped	135
19		FTC-Vyera000162272 to FTC-Vyera000162274	
20	GX1107	E-mail chain, Bates stamped	146
21		FTC-Vyera00120007 to FTC-Vyera 00120009	
22	GX1113	E-mail chain, Bates stamped	150
23		FTC-Vyera00516596 to FTC-Vyera00516597	
24	GX1112	E-mail chain, Bates stamped	159
25		FTC-Vyera00516585 to FTC-Vyera00516588	

1 (Pages 1 to 4)

For The Record, Inc.
 (301) 870-8025 - www.ftrinc.net - (800) 921-5555

Turing Pharmaceuticals & Impax Laboratories

9/26/2019

77

1 A Yes.
 2 Q **Did you communicate with Mr. Shkreli**
 3 before he was incarcerated?
 4 A Yes.
 5 Q **How often?**
 6 A I can't tell you. Maybe once a week.
 7 Q **How did you communicate with him?**
 8 A Cell phone or in-person meetings.
 9 Q **Texting?**
 10 A In-person meetings.
 11 Q **Texting?**
 12 A No.
 13 Q **No?**
 14 A It was largely just calling.
 15 Q **Calling on the cell phone?**
 16 A Or in-person meetings.
 17 MR. WEINER: What period of time are you talking about?
 18 THE WITNESS: Before incarceration.
 19 MR. WEINER: And after? We talked about earlier before when you were at the company you were --
 20 MR. PERLMAN: Sure. I can clarify, yeah, sure.
 21 BY MR. PERLMAN:

1 e-mail?
 2 A Sure.
 3 Q **Did you e-mail him from your personal**
 4 e-mail about Vyera-related business?
 5 A Maybe.
 6 Q **During that time period are you aware**
 7 whether anyone else from Vyera communicated with
 8 Mr. Shkreli?
 9 A I would assume Kevin did, but I think that would be it.
 10 Q **No one else?**
 11 A I'm sure there were people, but I don't want to speak on their behalf.
 12 Q **Are you aware whether other people**
 13 communicated with Mr. Shkreli?
 14 A I'm not aware.
 15 Q **After Mr. Shkreli was incarcerated, did**
 16 you communicate with him at all?
 17 A Yeah.
 18 Q **How often?**
 19 A It depends. It would sometimes be once a week, sometimes once a month, sometimes once every two months.
 20 Q **How would you communicate with Mr. Shkreli**
 21 after he was incarcerated?

78

1 Q **So I'm talking about the time from when**
 2 **you started at Vyera until he was incarcerated.**
 3 **We're clear?**
 4 A Yeah.
 5 Q **So you talked to him once a week after you**
 6 **joined --**
 7 A Yeah, sounds about right.
 8 Q **-- until he -- Okay.**
 9 Q **And you talked to him by phone?**
 10 A Yeah.
 11 Q **And you talked to him in person?**
 12 A Yeah.
 13 Q **Where would you meet him?**
 14 A At a bar close by or at his apartment.
 15 Q **Where is his apartment?**
 16 A It was a block away from our office.
 17 Q **Where is your office?**
 18 A Thirty-ninth and Third.
 19 Q **Other than the phone calls and in-person**
 20 **meetings, did you communicate with Mr. Shkreli in**
 21 **any other way after you joined Vyera, before he was**
 22 **incarcerated?**
 23 A Sure. I'm sure there were e-mails or texts, but I don't recall specific ones.
 24 Q **Did you e-mail him from your personal**

1 A CorrLinks, calls.
 2 Q **What was the first thing?**
 3 A CorrLinks. It's an inmate messaging sort of e-mail service.
 4 Q **What would you discuss?**
 5 A From everything from rap music largely to how he's doing, and he would sometimes forward BD ideas and stock ideas.
 6 Q **Would you act on those BD ideas?**
 7 A I didn't really think very highly of his BD ideas because the company didn't have that much money to do the ideas that he was talking about.
 8 Q **Did Vyera ever act on any of his BD ideas?**
 9 A Yeah, we looked at it. Nothing came substantial of it.
 10 Q **So other than the CorrLinks, how else did**
 11 **you communicate with Mr. Shkreli in prison, if at**
 12 **all?**
 13 A He would call me.
 14 Q **Call you using what phone?**
 15 A The prison phone.
 16 Q **What's your cell phone number?**
 17 A Cell phone number is [REDACTED]
 18 Q **I think you're missing a digit?**

79

Turing Pharmaceuticals & Impax Laboratories

9/26/2019

81

83

1 A [REDACTED]
 2 Q [REDACTED] I apologize.
 3 Did you ever talk to him via any other
 4 means?
 [REDACTED]

1 A I don't recall, but maybe some Journal
 2 articles that he had asked for, our books.

3 Q How many times did you ask people to mail
 4 things to Mr. Shkreli?

5 A It can't be more than a couple of times.
 6 Again, it's largely just books or one article that
 7 he's curious about, not...

8 Q Who did you ask to mail to Mr. Shkreli?
 9 A Dan Fennessey.

10 Q How about Maureen Lohry?

11 A I don't know if the request was -- I know
 12 she would send mail, but I don't know if the request
 13 of X article was through me.

14 Q So Ms. Lohry might have been in contact
 15 with Mr. Shkreli?

16 A Sure.

17 Q During the period after you became a board
 18 member of Vyera but before Mr. Shkreli was
 19 incarcerated, did you discuss anything related to
 20 Daraprim with Mr. Shkreli?

21 A Before being a board member?

22 Q Sorry. After being a board member, before
 23 he's incarcerated, did you -- let me just rephrase
 24 the question.

25 Before you became a board member -- let me

82

84

7 Q Have you produced those WhatsApp messages
 8 to your counsel for us to review?

9 A I gave him my phone.

10 Q Did you ever visit Mr. Shkreli in prison?

11 A I did.

12 Q How many times?

13 A Once while he was at MDC, which I'm not
 14 sure if it was before the sentencing or not.

15 Q What did you discuss in that meeting?

16 A I don't recall much.

17 Q Have you ever mailed anything to
 18 Mr. Shkreli?

19 A I have not.

20 Q Have you ever asked anybody to mail any --

21 A I can't --

22 Q Let me finish.

23 A Yeah.

24 Q Have you ever asked anybody to mail
 25 anything to Mr. Shkreli?

1 rephrase.

2 After you became a board member but before
 3 Mr. Shkreli was incarcerated, did you discuss
 4 anything related to Daraprim with Mr. Shkreli?

5 A Yeah, sure. He's a shareholder.

6 Q Did you discuss anything related to
 7 Daraprim with any other shareholders?

8 A Yeah.

9 Q Which ones?

10 A Anyone that would call up.

11 Q Who called up?

12 A David Chan called up, Opal Eye called up,
 13 Armistice called up.

14 (Reporter requests clarification)

15 THE WITNESS: Sure. David Chan, Steve
 16 Bohad, Opal Eye. That's the few I can remember off
 17 the top of my head.

18 BY MR. PERLMAN:

19 Q What did you discuss with Mr. Shkreli
 20 related to Daraprim during that time period we are
 21 talking about?

22 A I can't recall off the top of my head.

23 Q Did Mr. Shkreli ever direct you to say
 24 anything to any of your business partners?

25 A Sure. He was helping out with BD at the

21 (Pages 81 to 84)

Turing Pharmaceuticals & Impax Laboratories

9/26/2019

1 time.

2 Q What did he say?

3 A I don't recall.

4 Q After Mr. Shkreli went to prison, did he
5 communicate with you about Daraprim?

6 A Yeah.

7 Q What did he say?

8 A I don't recall, but it's normal
9 shareholder -- just because he's incarcerated
10 doesn't stop him from being a normal shareholder.

11 Q Did Mr. Shkreli provide you any advice
12 related to Daraprim?

13 A I can't recall any.

85

87

86

88

22 (Pages 85 to 88)

213

215

[REDACTED]

1 **Q** Which friends?
2 A Maureen Lohry when she was still around.
3 **Q** Who else?
4 A Dan Fennessy when he was still around.
5 **Q** Who else?
6 A I can't think of any others offhand.
7 **Q** Who were the lawyers that you communicated
8 with?
9 A I feel like it changed over time, but
10 lawyers I spoke with, I think the firm is Edward
11 King.
12 **Q** Edward King?
13 A Yeah.
14 **Q** Did you communicate with Benjamin Brafman
15 on behalf of Mr. Shkreli?
16 A I communicated with one of the associate,
17 Andrea at Brafman Associates, not him, Brafman
18 himself.
19 **Q** What's Andrea's last name?
20 A Zellan.
21 **Q** What was your the nature of your
22 communication with Ms. Zellan?
23 MR. WEINER: I need to -- was Ms. Zellan
24 ever a lawyer for you or the company?
25 THE WITNESS: No.

214

216

[REDACTED]

1 **MR. WEINER:** Okay.

[REDACTED]